

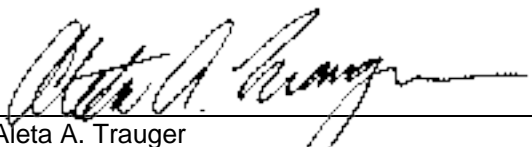
The court has examined the motion as required by Rule 4(b) of the Rules Governing Section 2255 Proceedings and determined that it is readily apparent on the face of the motion that the movant is not entitled to relief. As noted in the court's prior order, judgment against the defendant was entered on May 17, 2011. No direct appeal was filed, so the judgment became final fourteen days later, on May 31, 2011. Fed. R. App. P. 4(b).

A motion under § 2255 generally must be filed no later than one year after the date on which the judgment of conviction becomes final. 28 U.S.C. § 2255(f)(1). Thus, a timely § 2255 motion in this case was due to be filed no later than May 31, 2012, unless Mr. Arellano can establish that some exception exempts him from this deadline, or that the statute of limitations should be equitably tolled. *Holland v. Florida*, 560 U.S. 631, ----, 130 S. Ct. 2549, 2560 (2010). In order to show equitable tolling should apply, the movant must establish both “that he has been pursuing his rights diligently” and “that some extraordinary circumstance stood in his way and prevented timely filing.” *Hall v. Warden, Lebanon Corr. Inst.*, 662 F.3d 745, 749 (6th Cir. 2011) (quoting *Holland*, 130 S. Ct. at 2562).

The present motion was filed on December 18, 2013, more than 18 months past the filing deadline for a § 2255 motion. Mr. Arellano fails to establish an exception to the statute of limitations or any basis for equitable tolling. He does not allege the existence of a government-created impediment to filing, a newly recognized right, or newly discovered facts that could not have been earlier discovered through the exercise of due diligence. 28 U.S.C. § 2255(f)(2)–(4). Nor does he show that he has been pursuing his rights diligently, or that some extraordinary circumstance prevented timely filing. The current motion is therefore **DENIED**.

The Clerk is **DIRECTED** to serve a copy of the motion and this order on the United States Attorney.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge